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NOTES

I. MUNICIPAL GOVERNMENT

AMERICAN CITIES

Baltimore.—*The Liquor Question.*¹ The general law of Maryland requires of every retail liquor dealer the payment of an annual license fee, varying in amount from \$18 to \$150, according to the value of his stock in trade. Until 1890 Baltimore was included in the application of this general law, but in that year the legislature provided a special license-granting system for the city. Its main features are as follows: The governor, with the consent of the senate, appoints biennially three persons to constitute a Board of Liquor License Commissioners for Baltimore, all expenses and salaries being paid by the city. Every applicant for a retail liquor license must file a petition with the board, in which are stated particulars as to character of applicant, location and ownership of proposed saloon, etc., with an appended recommendation signed by ten residents of the ward. Notice of the application is published in the newspapers, and the board then gives a public hearing to all the residents of the neighborhood who may favor or oppose the granting of such license. The board, after this, makes its decision, and in granting or rejecting a license its discretion is unlimited. Licenses cannot be granted for more than a year; the fee is \$250, one-fourth of the proceeds from this source going to the State, the remainder to the city.

The regulation of the city saloon is also a matter of State action, provided for in special laws of the legislature. Those now in force prohibit the sale of intoxicants (1) on Sundays or on election days, except in hotels to guests in their rooms or at meals; (2) to minors or persons declared intemperate by husband, wife, or guardian; (3) between the hours of twelve midnight and five A.M. No license is issuable within certain designated districts, such as the neighborhood of certain factories, schools, etc. The enforcement of these laws rests, of course, with the city police department, which is also controlled directly by the State through a Board of Police Commissioners appointed by the governor. In this manner the saloon is entirely removed from municipal control and placed in the hands of State boards. The character of such boards is, of course, but the reflex of the character of the State administration. Before the so-called "reform movement" of 1895, there was undoubtedly much laxity in the granting of licenses, but since then there has been a noticeable improvement, and it is now a difficult matter to secure a license when the opposition in the neighborhood is strong. Police enforcement of the liquor laws is ostensibly strict. It is difficult to determine the exact efficiency of this, but there has been an apparent improvement in recent years.

The saloon wields a large power in local politics; to remove it entirely

¹ Communication of Hugh S. Hanna, Esq., Johns Hopkins University, Baltimore, Md.

seems at present utopian. If the system of absolute State control of the liquor license and police department continues, it seems best, on the whole, to retain the existing method of supervision by boards appointed by the governor. With the present high character of the city administration, these two departments could doubtless be better conducted directly by the city. But such a change is unlikely; and in the long run State control in this matter is not an unmixed evil. For, by thus shearing the municipal elections of these important offices, the city government becomes of less moment to the politicians, and the way of improvement in other municipal departments is made easier.

Local option as a solvent has never been tried, and the chances favor the continuance of the present system indefinitely, especially as the income from licenses forms important items in the State and city treasuries. It might, indeed, be practicable to increase the present license charge of \$250. When this was first introduced, there was an immediate decrease of a third in the number of saloons, with a consequent higher character of the remainder, thus rendering possible an easier popular and police supervision. A still higher fee might have similar good effects without materially increasing the danger of illegal selling.

Cleveland.—*The Liquor Question.*² The municipal code adopted in 1902 gave to municipalities authority to "regulate" saloons, but this authority does not permit the modification in any way of statutory provisions upon the subjects of taxation or local option. Under statutory authorization the city of Cleveland has provided by ordinance that saloons shall remain closed between the hours of twelve o'clock midnight and four o'clock in the morning. Prosecutions for Sunday opening and for the sale of intoxicating liquors to minors are carried on under the statutes, there being no ordinance upon those subjects. There is no requirement of bonds from saloon-keepers.

The provisions of the local option law of 1902 have been taken advantage of to a considerable extent throughout the State. Many of the smaller cities and towns have thus abolished the saloon. A local option election has not been had in any of the larger cities. An effort will be made during the present session of the legislature to secure the enactment of a ward local option measure for cities.

My personal opinion, based upon some observations, and shared by many other observers, is that, locally, enforcement is "liberal." This statement is especially applicable to the enforcement of the Sunday closing laws. The violation of these laws is manifest, and police judges require great particularity and refinement of proof before a conviction can be secured. The saloon is quite active in politics, and the saloon-keepers and their adherents usually act in harmony. It has been the custom of the saloon interests, working through a committee of an organization embracing practically all saloon-keepers, to select a ticket composed of those candidates deemed most friendly or least hostile to the business. This is done with considerable secrecy. In

²Communication of F. E. Stevens, Esq., Secretary Municipal Association, Cleveland, Ohio.

other ways less definite, but perhaps equally effectual, the saloon is a political power and the saloons are head-quarters for ward politics. The saloon concerns itself chiefly with candidates for the mayoralty, police court positions, and the city council.

Buffalo.—*The Liquor Question.*³ Since April 30, 1896, the licensing and regulation of saloons in Buffalo, as well as everywhere else in the State, have been governed wholly by the State liquor tax law, which upon that date superseded all local regulations and abolished all local Boards of Excise, their rights, powers, and duties. The law does not restrict the number of saloons that may be established in any place. It does, however, enumerate certain persons, corporations, etc., who may not traffic in liquors, but any other person or corporation who can pay the required tax and furnish the required bond may set up a saloon. The amount of bond required is one and one-half times the amount of tax paid, but in no case less than \$500. The conditions are, that the applicant will not allow any gambling on the premises, nor permit the premises to become disorderly; will not violate any provisions of the liquor tax law, and will pay all fines and penalties that may accrue. The amount of the tax varies according to the population of the locality where paid, and also according to the kind of license desired. For the sale of liquor to be drunk on the premises, it varies from \$150 to \$1200 (the latter for Greater New York); if the liquor is not to be drunk on the premises, the tax varies from \$75 to \$750. A pharmacist's license, however, costs \$7.50 anywhere. In Buffalo the first-mentioned kind of license costs \$750, the other \$450. In counties containing a city of the first class the tax is collected and the tax certificate (which is the license) is issued by a special deputy commissioner of excise appointed by the state commissioner, in other counties by the county treasurer. One-half of the taxes collected are paid to the State, the other half to the locality in which they were received, the expense of collection being first deducted.

The State law regulates everything connected with the traffic, and the municipalities have nothing to do but to enforce the State regulations. By the State law saloons may not be open at all on Sunday nor before five A.M. on Monday. On other days the hours of closing are one to five A.M., also on election days during the hours when the polls are open, if the saloon is within a quarter of a mile of any polling-place. Liquors may not be sold or given to minors under eighteen years of age, to intoxicated persons, habitual drunkards, or Indians; nor to any person to whom the dealer has been forbidden to sell by written notice from the parent, guardian, husband, wife, or child of such person over sixteen years of age, or by a magistrate or overseer of the poor of the town, the notice in the latter case applying only when the person is wholly or partly a charge upon the town.

For the purpose of enforcing the act, the State Commissioner of Excise is furnished with only sixty special agents. As this force is totally inadequate to cover so large a State, it is made the duty of all sheriffs, deputy sheriffs,

³ Communication of S. C. Richardson, Buffalo, N. Y.

police officers, and constables forthwith to notify the District Attorney of the county of all violations of the law coming to their knowledge, and the District Attorney then prosecutes through the grand jury. In Buffalo the enforcement of the law is said to be extremely "liberal."

Local option exists in towns only—not in cities—and is thus confined to rural communities. At each biennial town meeting, provided that ten per cent. of the voters request it in advance, the question is submitted to the voters in substantially the following form: "Shall any person be authorized to traffic in liquors: 1, to be drunk on the premises; 2, not to be drunk on the premises; 3, as a pharmacist; 4, as a hotel-keeper?"

To what extent the saloon is in politics in Buffalo the writer is unable to say; but he believes that the following scheme would go far to eliminate it therefrom,—viz.:

1. Local option everywhere.
2. Where licenses are granted at all, the number should be restricted, say to one for every thousand inhabitants (permitting *one*, however, in a community of less than a thousand inhabitants, if a majority so vote).
3. A minimum fee, where licenses are granted, of at least \$1000 a year, which, however, may be increased to *any* amount by the local authorities.
4. No person or corporation engaged or interested, directly or indirectly, in the manufacture or sale of spirituous or malt liquors to be accepted as surety on a liquor-seller's bond.
5. Sunday opening of saloons to be permitted, at least in cities, to a reasonable extent,—say from one P.M. to midnight,—under the usual restrictions as to good order.
6. The penalty for illegal selling of liquor to be imprisonment only, without choice of a fine.
7. The entire revenue from license fees to go to the community granting the license.

San Francisco.—*The Liquor Question.*⁴ Under the State constitution "local option" exists in all the municipalities of the State until the State legislature enacts a law to the contrary. Section 11 of Article XI. of that instrument provides as follows: "Any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws."

An excellent discussion of the powers conferred by this section is given by the court in *ex-parte* Campbell, 74 California 20, where an ordinance of the city of Pasadena prohibiting saloons was held valid, although it was shown that the State legislature had passed a large number of statutes fostering the liquor traffic, and although Los Angeles County, in which Pasadena is situated, had levied a license tax on saloons, which would, of course, produce no revenue in Pasadena. There are no general laws of the State which in any way interfere with the municipality's power to prohibit saloons or to impose license taxes on them.

⁴ Communication of William Denman, Esq., San Francisco, Cal.

San Francisco has its own charter, framed by its own Board of Freeholders, and passed by its own citizens. This provides for the concentration of executive control in the mayor, who appoints all the municipal boards and has the power to remove their members without trial. Under the charter the Board of Police Commissioners have the following power regarding permits to keep saloons:

"To grant permits to any person desiring to engage in the sale of liquor in less quantity than one quart, and to grant permits to any person engaged in the business of selling liquor to be drunk on the premises, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in a disorderly or improper manner. Without such permit none of such persons shall engage in the business of selling liquor. If the board refuse to grant such permit, or propose to revoke any permit that has been granted, the person who is refused such permit or whose permit it is proposed to revoke shall be entitled to be heard before the board in person or through counsel, and to have, free of charge, all reasonable facilities at the hearing. Such permits shall not be granted for more than three months at one time, and they shall distinctly state the name of the person to whom the same is given and the description of the premises where such business is to be carried on. Such permits shall at all times be subject to inspection by any member of the department. Complaints to revoke permits granted by the board must be in writing, signed by the person making the same, and filed with the secretary of the board; and a copy thereof, certified by the secretary, must be served upon the party complained against at least five days before the time set for the hearing of the complaint."⁵

The Board of Supervisors, an elected body, has the power to fix the license tax.⁶ The supervisors have fixed the license at \$21 per quarter, and police commissioners have issued over 3100 permits, thus creating an establishment selling liquors at retail for every twenty-five registered voters in the city. There are no requirements as to bonds or as to hours of closing, either on week-days or on Sundays. It is superfluous to add that the saloon is well entrenched in San Francisco politics.

A recent test of the voting power of the "wide-open" influences in San Francisco was had in a special election, held under the referendum clause of our charter, for the passage of an ordinance permitting the resumption of gambling in the race-tracks within the city limits. A long campaign was made against the proposition by all the newspapers, churches, and civic bodies. We have no permanently poor class, no illiterates, and a population almost entirely English-speaking. It is safe to say that 95 per cent. of the voters knew exactly what the issue was and voted without coercion. Out of 48,162 votes, 22,636 were for the ordinance.

The town is "wide open." The most conspicuous examples of the "liberal" enforcement of police regulations are the side entrances to saloons and the large French restaurants. The former admit women to back rooms,

⁵ S. F. Charter, Art. VIII., Ch. 3, Sec. 3.

⁶ Charter, Art. II., Ch. 2, Sec. 15.

where liquors are sold. In the latter, over the public dining-rooms on the street (and which are patronized by the admittedly better class of people of the city), are from six to eight stories of suites of dining-room, bedroom, and bath, devoted exclusively to transient assignation, and served from the same kitchen as the restaurant. Both evils are reachable by existing statutes and ordinances. There is an occasional attempt at closing a side entrance, but absolutely no interference with the restaurants.

As to remedies: San Francisco is a metropolitan seaport, a mining, lumber, and cattle centre, and a pleasure resort combined. There seems no hope of immediate suppression of the richer saloon or of the restaurants. A considerable increase in the liquor license tax, however, would probably close out what are sometimes called "middle-of-the-block" saloons, miserable places in back alleys, where the proprietors eke out a wretched existence selling adulterated liquor, often to the women and children when the men are at work. The continuance of such places depends on the skill with which a trade is built up among the people immediately adjoining the saloon. The profits are too small to stand a raise in the license. An increase to even \$500 per annum would rid the city of a considerable body of people whose entire energy is given not alone to catering to the vices of the community, but to creating vice among its least resistant population. Beyond the occasional discussion of the advisability of raising the license, there does not seem to be any evidence that the public is at all conscious that its saloon conditions are unusual for an American city.

Cincinnati.—*The Liquor Question.*⁷ Under the constitution of Ohio no license can be charged for the selling of intoxicating liquors. The Supreme Court has, however, upheld the taxation of the liquor business. Under a law known as the Dow law it is provided that "upon the business of trafficking in spirituous, vinous, malt, or any intoxicating liquors there shall be assessed yearly, and shall be paid into the county treasury by every person, corporation, or copartnership engaged therein and for each place where such business is carried on, the sum of three hundred and fifty (\$350) dollars." This tax, together with the increase, shall attach and operate as a lien upon the real property on and in which such business is conducted.

Every husband, wife, child, parent, guardian, employer, or other person injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall, after having given notice to the person selling such liquors, begin an action against such person if he sell after notice. And the owner of any building or premises and the person renting or leasing same having knowledge that intoxicating liquors are to be sold therein in violation of the law shall be liable severally and jointly with the person selling intoxicating liquors.

The sale of intoxicating liquors on Sunday, except by a regular druggist on written prescription of a regular practising physician and for medical purposes, is declared unlawful, and all places where it is sold shall be closed,

⁷ Communication of Max B. May, Esq., Cincinnati, Ohio.

and whoever sells, or allows such place to be open, shall be fined for first offence not more than \$100 and not less than \$25, and for each subsequent offence fined not more than \$200 or imprisoned not less than ten nor more than thirty days, or both. In regular hotels any bar connected therewith shall be closed. Every city has full power to regulate selling, furnishing, or giving away of intoxicating liquors as a beverage and the places where such liquors are sold. In Cincinnati all saloons must close at twelve o'clock midnight and remain closed until six o'clock A.M.

Wherever forty per cent. of the qualified electors of a municipal corporation shall petition the council for privilege to determine by ballot the question of prohibiting the sale of intoxicating liquors, a special election shall be held, not earlier than twenty nor later than thirty days from filing of petition; and if the majority of votes cast at said election was against sale, any selling more than thirty days after election is unlawful. A local option election may be held every two years. On January 1, 1904, local option was in force in 120 towns and incorporated villages. The State administration has little or nothing to do with enforcement of the liquor law. Every two years there is a contest in the legislature between anti-saloon and saloon factions, the former trying to extend anti-liquor legislation. The city members are usually opposed to such laws.

The Cincinnati administration is favorable to the saloon. On Sunday the side doors of most saloons are open and certain resorts are open all night. If a person should be arrested for violation of Sunday or midnight closing law, he demands a jury trial. So often have juries disagreed or acquitted, that such cases are put on open docket and never tried. In every sense of the word there exists in Cincinnati a "liberal enforcement,"—i.e., liberal towards saloon.

In local politics the saloon plays a very important part; many of the "leading" councilmen, members of Board of Education, and other officials are saloon-keepers or have "retired" from business. The ward and precinct captains make the saloon their head-quarters, and here are carried on all preliminary caucuses. In Cincinnati the boss of the city and his cabinet meet at regular intervals in a saloon. In my opinion, the best way to eliminate the saloon from politics is to abolish the delegate convention system, have nominations made direct at the primaries, and establish a rigid civil service law.

Providence.—*The Liquor Question.*⁸ The history of the liquor traffic in Rhode Island shows increasing restrictions on the license traffic, forbidding the location of saloons near public schools, penalties for selling to minors, etc., which culminated in the passage of a prohibitory amendment in May, 1886, by a vote of 15,113 to 9230. The enforcement of prohibition under the chief of the special State police (now the boss of this State) was so lax that it was discredited; and in May, 1889, the amendment was repealed by a vote of 28,315 to 9956. On August 1, 1889, Chapter 816 of the public laws was passed, making general provisions for the regulation of the traffic. "Intoxicating

⁸ Communication of Sidney A. Sherman, Esq., Providence, R. I.

liquors" are defined to be those containing over two per cent. alcohol, or even less than that if *actually* intoxicating. The granting of licenses is placed in the hands of the town councils and of certain specially appointed commissions in a number of cities. Licenses are for one year. No liquor may be sold on Sunday, nor to any woman to be drunk upon the premises, nor to a minor, nor to a notoriously intemperate person. No license shall be granted to a place where the owners of the greater part of the land within 200 feet object. The licensee must give a bond of \$1000, with two sureties. No license may be granted where a dwelling-house is connected with the licensed premises from within, except taverns, and none where entrance is otherwise than directly from a public, travelled way. The husband, wife, parent, child, guardian, or employer of an excessive drinker may notify a dealer not to sell to such person, and can recover damages if he does. Drug-gists may sell only on the written prescription of a physician. Screens must be removed on Sunday. Wholesale license fees are not less than \$500 and not more than \$1000; retail, \$400 in Providence, and then down to \$200 in smaller communities. The city council has just requested the legislature to raise the fees. Three-fourths of the amount of the fees go to the town or city and one-fourth to the State. The sheriff of any county must suppress unlicensed liquor shops on the request of any tax-payer, under penalty of \$500 for wilful refusal.

The authorities in any city or town may permit licenses to be transferred to others than the original licensee. This gives rise to a trade in licenses, which are now said to be held at more than double their price in Providence. The local authorities may also fix the number of licenses to be granted, large or small. They also have power to close shops, saloons, and other places of resort in the evening as they think proper, and to close saloons during any specified hours on holidays and election days.

In carrying out these powers the Providence city ordinances provide that no shop, store, or other place of trade or entertainment, except licensed taverns, shall be open from midnight to four A.M. No restrictions are made upon the holiday and election day traffic, and the city merely carries out the State laws already quoted in regard to Sunday selling, sales to minors, and the requirement of bonds.

Local option is complete, but the vote is only taken upon petition of 15 per cent. of the total vote in towns and 10 per cent. in cities. Agitation is discouraged by this law, and there has been only one vote on the license question in Providence for a dozen years. The five cities of the State give licenses, as do nineteen towns; while fourteen towns refuse them. The twenty-four license communities contain 398,556 people by the census of 1900, and the fourteen no-license towns just 30,000. In 1902 there were seventy wholesale licenses in the State, forty-four of which were in Providence; and 1164 retail licenses, 475 of which were in Providence. This is an average of one retail license to every 368 people in the State, one to every 354 in Providence, and one to every 110 in the town of Tiverton. The town of Westerly and the surrounding southwestern part of the State are quite strongly no-

license, but a striking feature of some of the country districts is the saloon at the cross-roads. Some mill villages have their streets lined with saloons.

The attitude of the State and city authorities accords with public sentiment for the most part. Recently, enforcement in Providence has been more strict than formerly, which would indicate that it was formerly somewhat "liberal." In certain smaller communities and in one or two larger ones the local administration winks at many infractions of the law. It seems to be difficult to secure conviction in the courts for illegal selling on account of lack of credible witnesses and technicalities under which refuge is taken.

Few liquor dealers appear in our legislature or city council, but here, as everywhere, they are a potent influence in politics. This influence is exerted not only by the small dealer upon his patrons, but by the wholesaler, who moves in the best society and contributes to charities and campaign funds. Owing to the almost absolute lack of agitation upon the license question, this influence is silent and less apparent to the public than it is in many places; but it exists, nevertheless. Up to November 26, 1901, licenses in Providence had been in the hands of the city, but on that date a State Police Commission, appointed nominally by the governor, but actually by the State Senate, took control of the police and licensing systems in the city. This was a partisan act, passed in order to deprive the mayor of his power. The city pays all the expenses of the commission. The majority of the people have several times shown their strong disapproval.

As to the general question of eliminating the saloon from politics, it is doubtful if it can be eliminated as long as it exists. It surely cannot be left unregulated, and the moment the community begins restriction the liquor interests begin to work against it. And those interests are so powerful, and so alert from self-interest, that it seems unreasonable to suppose that the elimination of the saloon from politics is possible unless the saloon itself is destroyed.

Seattle.—*The Liquor Question.*⁹ By State law the cities of Washington are grouped into classes, all below the first class being allowed local option regarding the liquor traffic. Cities of the first class, such as Spokane, Tacoma, and Seattle, are given the right to "regulate" but not to prohibit the traffic, and may fix licenses anywhere between \$300 and \$1000. The State law prescribes that there shall be no Sunday opening of saloons and no admission of minors, and allows the city government to prescribe "limits of time and place." Seattle ordinances have required absolute closing between one and five A.M., and have limited the location of saloons to the business and waterfront district—perhaps one-tenth of the city's area. Ordinances have also been passed against the wine-room evil and the admission of minors.

In the face of these regulations, the county officials with some few exceptions, and the Seattle officials without exception, have maintained a "wide-open" policy, tolerating violations of practically all provisions of liquor laws and ordinances, as well as laws relating to gambling and prostitution. Saloons

⁹ Communication of Professor George H. Alden, University of Washington, Seattle, Wash.

are open at all hours of the night and Sundays, laws and ordinances to the contrary being dead letters. Boxes in saloons are common. Spasmodic efforts are made to keep out minors—after the arousing of an indignant public opinion by some tragedy in that connection. The liquor business of the city is practically all in the hands of a brewing concern, which, of course, takes care of the matter of bonds; in fact, the saloon-keepers are merely the agents of this organization.

That the saloon has been the controlling factor in city politics goes without saying. An illustration of the fact that it intends to keep this control is seen in the impossibility of getting the ninth ward, which is strongly anti-saloon, divided into three wards, with the aldermanic representation to which it is entitled by population. Indeed, if we may credit reports apparently well founded, the liquor organization is now planning to seat certain men in the city council as its own openly avowed representatives.

Duluth.—*The Liquor Question, General Provisions.*¹⁰ Under the laws of Minnesota the license fee in cities of 10,000 population and over is fixed at the minimum of \$1000 per annum. This license fee may be increased, but not diminished, by the common councils of the municipalities affected. In Duluth it remains as fixed by the State law, and the municipality derives a yearly revenue of \$174,000 from the 174 saloons within its limits.

In cities under 10,000 and in villages, towns, and boroughs—that is, in all other political subdivisions of the State—the minimum license fee is \$500, which may also be increased, but not diminished, by the common councils, county commissioners, or other governing authorities. In one municipality of the State, a city of about 6000 population, the license fee has been increased to \$2500 and the number of saloons reduced to two.

The usual provisions against the sale of liquors to minors, inebriates, etc., are incorporated in the State law, and the saloons are ordered closed on Sundays, election days, and between the hours of eleven P.M. and five A.M. on all other days. There is also an inhibition against conducting a saloon within 300 feet of any school, against the sale of liquors on or within certain limits of the State fair grounds, etc. Local authorities are empowered to place such additional restrictions and safeguards around the traffic as may be included in the authority to “regulate” and in the proper exercise of the police power of the State.

Saloon-keepers are, without distinction as to locality, required to give a bond for \$2000; but a recent decision of the Supreme Court of the State has practically nullified the restrictive influence of this provision by holding the sureties under the bond liable for only actual damages shown on account of violation of the law instead of making the bond a punitive guarantee of proper observance and subject to forfeiture on proof of violation of the law, as many, before that decision was rendered, had supposed it to be. The State legislature has not seen fit subsequently to amend the law. The local option provisions of the law are somewhat obscure, and do not seem

¹⁰ Communication of W. G. Joerns, Esq., Duluth, Minn., January 25, 1904.

to apply to incorporated cities or to villages operating under special charters. In villages incorporated under the general law and in municipal townships, however, the question of license or no license may be put to popular vote on petition as provided by statute, and, if the vote results unfavorably to license, the sale of intoxicants prohibited in such village or township. Only one such political subdivision in the county at large (a strictly rural township) has made use of this provision of the law, and there are no saloons within its limits.

The question of enforcement of the law is difficult to answer. Duluth has been subjected to all three methods,—to wit, "Strict" enforcement, "liberal" enforcement, and the "wide-open" policy. It is at present operating under what might be termed a policy of "liberal" enforcement. In this connection it should be borne in mind that Duluth is a city of 75,000 inhabitants, a prominent lake port, and the centre of supply for a large lumbering and mining region, each of the indicated industries bringing with it conditions that seriously complicate the solution of the liquor question. Duluth, on the other hand, also has a wide-awake citizenship and an unusually well-developed civic spirit, which tend to hold in check what otherwise might easily degenerate into an unbearable condition.

A one-time "wide-open" policy in Duluth in the earlier days resulted in a popular upheaval, and was followed by a period of "strict" enforcement in all that the term implies. Saloons were closed at eleven P.M. sharp and on Sundays; gambling was stopped and other violations of the law were followed up closely. The police administration was, moreover, recognized as thoroughly honest and efficient, and was wholesomely respected and cordially hated by the interests involved.

But it was soon suggested that the material interests of the city were being substantially affected by the strict policy; that sailors, lumberjacks, and others were not only transferring their debaucheries but also their legitimate expenditures to other cities, notably to St. Paul and Minneapolis and to Superior, across the bay; that hotel business was impaired, and that Sunday trains and street cars to Superior were crowded. The merchants and business men of the city quite generally entered a loud protest against "strict" enforcement, and the local administration, yielding to what at least was supposed to be popular clamor, modified its course. The policy of "strict" enforcement was succeeded by a policy of "liberal" enforcement. Since that time there was one other period of notably lax enforcement, but it brought political disaster to the otherwise fairly respected administration that had been identified with it.

This so-called "liberal" enforcement, as distinguished from the "wide-open" policy, is a partial though, unfortunately, more or less hypocritical concession to the moral sentiment of the community. It appears to have its crux in allowing the saloons to keep a sort of veiled open house after eleven P.M. and on Sundays, by keeping the front door locked and permitting access to the saloon by a side entrance, and, where they exist, in compelling a greater secrecy and discretion in gambling operations and other vicious practices that have brought the traffic into disrepute.

Whatever the nature of the enforcement, to be permanently effective it must have the sympathy of the community. To have this the regulations must appeal to the community as reasonable, and unfortunately, it would appear, must not materially interfere with its more sordid interests. Whatever may be said on the question of Sunday closing, it is a fairly general opinion that eleven P.M. on week-days is too early as an effectual closing hour in a community the size of Duluth, and that, if the State law were amended so as to extend the time to midnight, the enforcement of this feature would be much easier and more effective. As it is, the violation, which in this instance is condoned by public opinion, in many cases extends over the whole night and to other delinquencies without rebuke.

It might be here suggested that the advantage of a "liberal" enforcement over the "wide-open" policy lies in the fact that the former is itself the result of and a concession to a healthier and more vigorous public sentiment than the one that permits a "wide-open" policy, and this sentiment must be respected. This, coupled with the fact that the privilege extended depends on a partial official concession or omission which can cease at any time and must cease whenever general public sentiment is outraged, tends to exercise a sort of moral suasion, if such term can properly be used in this connection, and to ameliorate some of the graver and more generally recognized evils of the traffic. So far as the admission of minors to saloons is concerned, public sentiment does not condone it. The violation of the law in this respect occurs at times in the saloons, as it has in some instances at soda-water stands in mixing intoxicants with the otherwise comparatively harmless beverage; but if, in either case, such violation becomes public, punishment follows.

The State authorities have concurrent jurisdiction with municipal authorities in cases where the general excise laws have been violated. The tendency in Duluth, however, is ordinarily to allow the municipal authorities sole sway within their special jurisdiction. When violations of the law have, however, incidentally come to the attention of the grand jury, it has not hesitated to indict and the public prosecutor vigorously to prosecute the offenders. At times, also, the grand jury becomes an original investigator, and usually with effective results.

In a city the size of Duluth even the comparatively limited number of saloons, together with the wholesale liquor and brewing interests and what otherwise attaches to the traffic, while not a dominant force, is nevertheless a power to be reckoned with. It is well organized, militant, and watchful of its own interests. The general public sentiment of the community would, however, scarcely brook the open and avowed domination of the so-called liquor interests, and, when visibly confronted with the danger of such domination, readily solidifies against it. It is often an element of weakness in a candidate to be recognized as having the support of those interests. The work that is done is therefore done more or less under cover, but is none the less effective unless adverse public sentiment is wide-awake and active.

The elimination of the saloon from politics is a most difficult question. The saloon will probably remain in politics so long as the action of public officials may favorably or unfavorably affect the liquor interests. This is but

natural. Self-preservation is the first law of nature, and conditions peculiar to the liquor traffic tend to place it in a class by itself and thus to bring about united action in its own interests. If it were not the subject of special legislative restriction and police control, but stood on the same footing as other commercial pursuits, there might not be the same inducement to political activity, at least not to united action.

Absolute freedom of traffic is out of the question, however, in the present temper of the American people. The question then resolves itself into how to minimize and neutralize the political activity of the saloon under existing conditions. No doubt the greatest safeguard will always lie in the sound moral sentiment of the community. This public sentiment, however, to be effective must be general, active, and earnest. It must meet organized effort by organized effort. It must make sure of its ground in the support of candidates for office, as it may always rest assured the saloon interest has already done. It must see to it that legislative and administrative officers or the press are not lured from the path of duty by bribery, cajolery, or intimidation. It must be able to discriminate between the evasions and platitudes and partisan appeals of the practical politician and the character of the man. Above all, it must be eternally vigilant in the propagation of high civic ideals and of sound morality, and in insisting that the saloon shall observe the rules of common honesty and common decency, not along the narrow lines that are akin to persecution, but from the stand-point of that broader view that will appeal to the common sense and common fairness of the community.

St. Louis County outside of Duluth. The territory herein included is of wide extent, partly wild and uninhabited, partly rural and semi-rural, and, again, the seat of extensive iron mining and lumbering operations. In all but the incorporated villages, where the village council decides, the power of granting licenses is vested in the Board of County Commissioners, which is chosen by districts. As before stated, the minimum annual license fee is \$500. This can be raised, but as a matter of fact has not been raised in any case by either board or village council. The Board of County Commissioners has, however, repeatedly refused to grant licenses in localities where particularly urgent and well-founded objections have been raised.

A more serious problem, however, is presented in the incorporated villages of the mining regions, particularly on the newer or Mesaba Range. Here licentiousness, debauchery, and excess of every kind have run riot until it has become not only practically unbearable in the immediate localities, but a stench in the nostrils of the county at large. In one village of less than 5000 population, much of it of a floating character, there are to-day in the neighborhood of fifty saloons. It goes without saying that the saloon element is a dominant influence in the public life of that community, and that corruption, crime, and moral degradation are prominent features. Public functions and celebrations even have been arranged and located with reference to the increase and distribution of the saloon patronage, and at times a veritable saturnalia has reigned supreme. This description is unfortunately typical of several similar communities, and varies only as size and environment tend to make the conditions better or worse.

It follows as a corollary that a large percentage—out of all proportion to population—of the criminal business of the county has its origin in the several communities where these shocking conditions exist. The public prosecutor in a recent annual report has estimated that thirty-one out of one hundred and fifty convicted criminal defendants committed their several crimes while under the influence of liquor, and that ninety per cent. of all the criminal business that came under his jurisdiction in the year just passed was more or less connected with the sale of intoxicants, gambling in saloons, and with the excesses and concomitants generally of the traffic. It is only fair to say that in the more recent past the better class of people in several of these communities has made an earnest effort at, at least, a partial reform, and has succeeded in electing a few good administrators to office, with what permanent effect remains, however, to be seen. It is quite probable, however, that unless help comes from the outside even bearable conditions can only be approximated.

Allegheny County, Pennsylvania.—*The Liquor Question.*¹¹ The sale of liquor at retail in the County of Allegheny, Pennsylvania (containing the cities of Pittsburgh, Allegheny, and McKeesport), is regulated by the general excise laws of the State. These are: the act of May 13, 1887, usually known as the "Brooks High License Law," and later acts supplementing or revising it, the most important of which are those of July 30, 1897, April 24, 1901, July 19, 1901, and April 27, 1903. These laws largely increase over its former amount the annual license fee, and give to the county Courts of Quarter Sessions, sitting as license courts, jurisdiction over the whole subject of the granting and transferring of retail licenses. The courts are authorized to decide the date when the term of licenses shall commence. In this county the term, which runs one year, begins May 1, and the licensee must annually renew his application. His conduct of his business for the preceding year, therefore, becomes a determining factor, and his knowledge that upon it depends largely his chances for the succeeding terms is a strong influence towards the observance of law.

To secure a license the applicant must (in addition to filing a bond in the sum of \$2000 with sufficient sureties for the observance of the laws relating to the business of retailing liquor, and for the payment of all damages which may be recovered in any action instituted against him, under the provisions of any act of Assembly) satisfy the Court that the license sought is necessary for the accommodation of the public and entertainment of strangers and travellers. The facts set forth in his petition must be certified to by twelve reputable, qualified electors, residents of the district in which the liquor is to be sold. He must also show that he is a fit person to have the license. And in determining the matter of fitness the courts are allowed wide latitude, and their decisions are practically final. The courts of Allegheny County, unlike those of Philadelphia and other counties, require the appearance and examination of every applicant for renewal, even though there is no remonstrance.

¹¹ Communication of Edwin Z. Smith, Esq., Pittsburgh, Pa.

The license fee in cities of the first and second class (Pittsburgh and Allegheny belong to the latter) is \$1000; in third-class cities, \$500; in all other cities, \$300; in boroughs, \$150; and in townships, \$75. A small proportion of it goes to the county treasury, but the principal part to the treasury of the municipality; the money thus paid into township treasuries, for example, being used to keep up the roads. In addition to these fees, a further sum must be paid to the county treasury for the use of the State, amounting to \$25 in townships and \$50 in boroughs, and all cities except those of the first and second class, in which the additional fee is \$100.

While to some members of the judiciary the duties of the License Court are distasteful and are regarded by them—and not without some reason—as derogatory to the dignity of the bench, the consensus of opinion among the judges and the people at large is highly favorable to this mode of granting licenses, as tending to make the business of liquor-selling more respectable, more law-abiding and less harmful. The comparatively large amount of the license fee and the necessity that the application must be made formally and personally in open court, where an unsavory record may be laid bare, evidently have their effect in keeping improper persons out of the business. Experience since the system was put in force demonstrates that the licensing of a certain number of saloons (the proportionate number in any locality depending largely on the occupation, nationality, and condition of the inhabitants) is necessary for a given population, the alternative being an increase in illegal liquor traffic. In the year 1889, when the licenses in Allegheny County were cut down to (one hundred and eighty-eight) a fraction of what they had been before and have been since, the number of “speak-easies” and the crime of selling liquor without license increased to an extent unprecedented and quite beyond the power of the police to control.

At the present time, after fifteen years’ administration of the system by the courts, upon lines which have been generally careful and conscientious, illegal liquor-selling is not a frequent, a threatening, or an increasing offence in this community. As in all large cities, it takes its most serious form in the sale of liquor in disorderly houses, which is a most prolific source of lawlessness and crime, and the existence and treatment of which by the municipal police authorities is a subject which opens up the whole question of municipal corruption, graft, and vice. To aid their own labors, inform the police authorities, and instruct the liquor dealers, the License Courts each year lay down certain rules of conduct for the dealers, which they are expected to observe if they would keep clear of the police and retain their standing for renewal of license. In this county these rules have varied from time to time with the opinions of different judges. For example, the furnishing of the so-called “free lunch” was for several years forbidden, but a longer experience resulted in the prohibition being removed.

The following rules were adopted by the License Court of 1903, and crystallize the experience and observation of years:

“All retail dealers shall keep their bars closed as follows:

“In the cities of Pittsburgh and Allegheny, from 11.45 o’clock P.M. to five o’clock A.M.

"In the city of McKeesport, from eleven o'clock P.M. to 5.30 o'clock A.M.

"In the boroughs, from 10.30 o'clock P.M. to 5.30 o'clock A.M.

"In the townships, from ten o'clock P.M. to 5.30 o'clock A.M.

"During the time the bar is to remain closed, as provided by the above rule, no malt, vinous, or spirituous liquors shall be sold or furnished on the licensed premises.

"Licensees must not have or permit upon the licensed premises any vocal or instrumental music for the purpose of attracting or retaining customers, nor shall they have or keep thereon any slot machine, weighing machine, blowing or lifting machine, or any similar device, or keep and maintain any bulletin of the stock market, races, or games.

"Liquors shall not be furnished by any retail dealer on trust, directly or indirectly.

"Retailers shall not furnish liquors in buckets or substitutes therefor.

"The violation or disregard of any of the above regulations will be considered as sufficient ground for the refusal of further license to the offender."

Theoretically, the police authorities of the cities see to the strict observance of these regulations; practically, their enforcement varies with the conscience, fidelity, and ability of the Directors of Public Safety and of the heads of the Police and Detective Bureaus. Politics also has much to do with the strictness with which the particular saloon is watched and regulated. The License Court judges, to a certain extent, make use of police information as to the past conduct of applicants for the renewal of licenses, and Directors of Public Safety have been credited with handing up lists of worthy and unworthy licensees for the instruction of the courts, but no accusations have ever been made of the improper use of such evidence by the judges, who have other means of investigation, and have been singularly free from any reproach of political or other improper bias. Pittsburgh and Allegheny, among the cities of their size in the country, are the most noted for strictness of general Sunday observance, and the force of this public sentiment is felt in the attitude of the police authorities towards Sunday closing.

"Liberal enforcement" of the Sunday laws is hardly known, and the back- and side-door traffic is small. The result is a certain amount of "hole-in-the-wall" liquor-selling on Sunday, especially in districts occupied largely or mainly by foreigners. The sale of liquor to minors, one of the most dangerous evils of the liquor traffic, is, perhaps, the most difficult to suppress. It exists to a much greater extent than is generally known, but the criminal court dockets show few convictions for the offence; the inference is that the law in this respect is not strictly enough enforced by the police authorities. In a few boroughs and townships of Allegheny County the sale of liquor is prohibited by special laws enacted at various times, and in some localities, usually high-class suburban neighborhoods, where the public feeling is against saloons, it is respected by the courts and licenses are refused. However, the tendency seems to be rather towards the extension than towards the more general prohibition of the liquor traffic. Considered at a glance, the present high license system is without doubt the best the State has ever

known, and the most conducive to law, order, and the minimizing of the inevitable evils of the liquor traffic.

Michigan.—*The Liquor Question.*¹² There are two liquor laws in Michigan. One is for the taxation and regulation of the business. The other is for the prohibition of the business in those counties which, by popular vote, determine to suspend the sale of liquor. Under the local option law, which has been on the statute-books for fifteen years, three counties now have prohibition. Several more will vote on prohibition this spring. Several have had prohibition and have gone back to license.

Under the general law every saloon-keeper is required to pay \$500 tax into the county treasury. After deducting a fee of one per cent. for collection, the county treasurer is required to divide the liquor money into two equal parts, half going to the township, village, or city in which the saloon is located, and the other half going into the general fund of the county. Every saloon-keeper in a city must secure a license from the city councils. In Grand Rapids the charter requires an absolute two-thirds vote of all the aldermen to grant a license. The council is authorized to "restrain, license, and regulate" saloons, and to "regulate and prescribe the location thereof."

The State law requires two freeholder bondsmen for every saloon, and prescribes general regulations for the conduct of the business. The saloon must be closed on Sundays, election days, and holidays, and between nine P.M. and seven A.M., except that in a city or village the council may permit the saloons to be open till eleven P.M. and to be opened at six A.M. Selling liquors to minors or permitting them to remain in a saloon unaccompanied by parents is strictly prohibited. The employment of women barkeepers is also forbidden. For a saloon-keeper to sell liquor to any person while intoxicated, or to any drunkard, or to an Indian, or to any person after being forbidden in writing to do so by the person's husband, wife, parent, child, guardian, or employer, or by the township supervisor, the mayor, or the superintendent of the poor, is a misdemeanor, punishable by a fine of not more than \$200, or by imprisonment in the county jail for not less than ten nor more than ninety days, or by both fine and imprisonment.

There is a good deal of "liberal enforcement" of the law, and the saloons are more or less in politics. Just now the Grand Rapids municipal authorities have been struggling to break up the alliance between the saloon and the disorderly women which existed under the preceding "wide-open" administration. There are somewhat more than 200 places in the city where liquors are sold. Two years ago thirty or forty of these were "stall" saloons. The License Committee of the council exercises a large amount of discretion in the recommending of licenses, and has required saloon-keepers to remove their partitions and take out their "stalls" before getting their licenses renewed. Once licensed, the saloon-keeper feels pretty secure for the year, and promises made to the License Committee are not always kept. No matter what the real cause may be for refusing a license, the committee

¹² Communication of Delos F. Wilcox, Esq., Grand Rapids, Mich.

always reports that the place is "neither a proper nor a desirable location for the conduct of the saloon business."

I know of no sure way to get the saloon out of politics except to abolish the saloon or to stop trying to regulate it. It is probable that better results could be attained if we had a perfect system of popular control by localities, including the right to vote license or no license, to adopt regulations suited to local public sentiment, and to recall officials who neglect to enforce the laws enacted by the people.